From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, March 18, 2010 2:17 PM

To:

WLOtestimony

Cc:

Tracy.S.Oshiro@hawaii.gov

Subject:

Testimony for HCR320 on 3/19/2010 10:40:00 AM

**Attachments:** 

HCR320\_LNR\_03-19-10\_WLO.pdf

Testimony for WLO 3/19/2010 10:40:00 AM HCR320

Conference room: 325

Testifier position: support Testifier will be present: Yes Submitted by: Tracy Oshiro

Organization: DLNR

Address: 1151 Punchbowl Street Honolulu, HI 96813

Phone: 587-1495

E-mail: Tracy.S.Oshiro@hawaii.gov

Submitted on: 3/18/2010

LINDA LINGLE GOVERNOR OF HAWAII





# STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621 HONOLULU, HAWAII 96809 LAURA H. THIELEN
CHARPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI FORST DEPUTY

KEN C. KAWAHARA DEPUTY DIRECTOR - WATER

AQUALITE RESOURCES
BOATING AND CEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND COASTAL LANDS
CONSERVATION AND INSCRIPE SERVICEMENT
FOR THE COMMISSION AND THE COMMISSION AND INSCRIPE SERVICEMENT
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

## Department of Land and Natural Resources Testimony Transmittal Cover Sheet

Date Submitted: March 18, 2010

Testifier's Name/Title: Morris Atta, Land Division Administrator

Committee Name: HOUSE COMMITTEE ON WATER, LAND & OCEAN RESOURCES

(WLO)

Day and Date: Friday, March 19, 2010

Time/Location: 10:40 AM, Conference Room 325

Measure Number: HCR 320 - SUBMITTING TO THE LEGISLATURE OF THE STATE OF

HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF

LAND AND NATURAL RESOURCES ON A LAND EXCHANGE.

Requested Copies: 1 (including original) to Room 438 in the State Capitol

LINDA LINGLE





# STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621 HONOLULU, HAWAII 96809

Testimony of
LAURA H. THIELEN
Chairperson

Before the House Committee on WATER, LAND, & OCEAN RESOURCES

Friday, March 19, 2010 10:40 AM State Capitol, Conference Room 325

In consideration of

HOUSE CONCURRENT RESOLUTION 320 – SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE.

House Concurrent Resolution (HCR) 320 requests authorization to correct an inadvertent oversight in previously recorded conveyance documents for the land exchange authorized by Act 27, Session Laws of Hawaii 2003. The Department of Land and Natural Resources strongly supports HCR 320, and will continue to work with Aloha Council Boy Scouts of America to resolve this outstanding issue.

# LAURA H. THIELEN CHAIRPERSON BOARD OF LAND AND NATURAL RESOURCES COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI FIRST DEPUTY

KEN C. KAWAHARA DEPUTY DIRECTOR - WATER

BOATTHIC AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMEN
CONSERVATION AND CORSTAL LANDS
CONSERVATION AND CORSTAL LANDS
FORESTRY AND WILDLEE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, March 18, 2010 3:46 PM

To: Cc: WLOtestimony sullivan@bsds.com

Subject:

Testimony for HCR320 on 3/19/2010 10:40:00 AM

Attachments:

BAS Testimony HCR 320-Support.pdf

Testimony for WLO 3/19/2010 10:40:00 AM HCR320

Conference room: 325

Testifier position: support Testifier will be present: No Submitted by: Barry Sullivan Organization: Individual

Address: 745 Fort Street, Suite 801 Honolulu, HI 96813

Phone: 808-628-7518

E-mail: <a href="mailto:sullivan@bsds.com">sullivan@bsds.com</a>
Submitted on: 3/18/2010

Testimony in Support of HCR 320 before Water, Land & Ocean Resources Committee

# Testimony of Barry Sullivan Legal counsel to Aloha Council, Boy Scouts of America

Before the House Committee on WATER, LAND, & OCEAN RESOURCES Friday, March 19, 2010 @ 10:40 AM State Capitol, Conference Room 325

In consideration of HCR 320 – SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE

HCR 320 seeks to correct a simple error in draftsmanship -- the multi-parcel exchange deed to conclude the land exchange approved by Act 27 (2003) failed to deed over one of the parcels (Parcel 77 in Pupukea) because the attorneys involved did not include the property description for that parcel in the multi-parcel deed.

Thank you for the opportunity to submit testimony in support of this resolution. As you may know, another resolution, HCR 185 also has been introduced to correct this same error. HCR 320 is the preferred vehicle because it specifically identifies (1) the location and area of the parcels of land involved in the exchange, (2) the value of the lands involved in the exchange, (3) the names of the appraisers, and (4) the date of appraisals. These details are required by Section 171-50(c), Hawaii Revised Statutes to be included in the resolution. In addition, HCR 320 was duly served upon the Office of Hawaiian Affairs and its trustees concurrently with its submission to the Legislature as further required by Section 171-50(c), Hawaii Revised Statutes.

I respectfully urge the committee to <u>pass</u> HCR 320. Thank you in advance for your support.

From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, March 18, 2010 5:04 PM

To: Cc: WLOtestimony mbutay@aol.com

Subject:

Testimony for HCR320 on 3/19/2010 10:40:00 AM

Attachments:

HCR320-JHFTestimony.pdf

Testimony for WLO 3/19/2010 10:40:00 AM HCR320

Conference room: 325

Testifier position: support Testifier will be present: Yes Submitted by: Melody Butay Dacanay

Organization: Capitol Consultants of Hawaii, LLP

Address: 222 S Vineyard Street, Suite 401 Honolulu, HI

Phone: 8085314551 E-mail: <a href="mbutay@aol.com">mbutay@aol.com</a> Submitted on: 3/18/2010

#### Comments:

Attached is a testimony from John Henry Felix, Boy Scouts on HCR320. John Radcliffe, Vice President of Capitol Consultants of Hawaii will be testifying on his behalf.



#### **BOY SCOUTS TESTIMONY**

**HCR 320** 

Chair Ken Ito

We strongly urge passage of HCR 320 which supports the righting of a great wrong. Seven years ago a land exchange between the Aloha Council of the Boy Scouts of America and the State of Hawaii took place and was approved by the relevant bodies including the Hawaii State Legislature. All the necessary public announcements were published. Everything was properly vetted and approved by all the legal entities involved. A fair deal was struck, one which met all the standards of state and federal law, and which would also meet the high standards of the Boy Scout Oath and the Boy Scout Law.

However, an inadvertent error was made in 2004 which omitted the relevant tax map key number, tax map key number (1) 5-9-05-077 from the recorded conveyance documents. And because of that, questions are now raised because much later, in 2009, Act 176, section 171-50 was passed, which now requires that any exchange of public land for private land be subject to disapproval by 2/3rds vote of either House or simple majority of both Houses of the Legislature. The argument being put forward in opposition to the clear and fair understanding of the facts and the law, is that the inadvertent technical error has voided the entire complicated and otherwise entirely legal exchange, and so the Boy Scouts are just out of luck in being able to keep and to operate Camp Pupukea, the only facility that they have on Oahu.

House Concurrent Resolution 320 has it just right. The land exchange in question was properly done. The parties told and acted the truth, and did their best, and reached an honorable and complete agreement which is a benefit to all concerned.

We urge the passage of HCR 320.

Thank you,

John Henry Felix

Eagle Scout, Class of 1944

From:

Valerie Lyn Ikemori [vikemori@kmhllp.com]

Sent:

Thursday, March 18, 2010 5:11 PM

To:

WLOtestimony

Subject:

Testimony FOR HCR 320 before Water, Land & Ocean Resources Committee

Attachments:

R. Murakami Testimony for HCR 320.PDF

Please find attached Ross Murakami's testimony in support of HCR 320.

Regards, Valerie

Valerie lyn Ikemori KMH LLP 1003 Bishop Street Suite 2400 Honolulu, Hawaii 96813 Direct: 527-2225

Fax: 536-5817

email: vikemori@kmhllp.com

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shall be understood as neither given nor endorsed by it.



A Howaii Limited Liability Partnership

Testimony of Ross R. Murakami

Before the House Committee on WATER, LAND, & OCEAN RESOURCES Friday, March 19, 2010 @ 10:40 AM State Capitol, Conference Room 325

In consideration of HCR 320 - SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE

House Concurrent Resolution (HCR) 320 affirms support by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii for the proposed correction of the land exchange between the State and the Aloha Council of the Boy Scouts of America made pursuant to Act 27, Session Laws of Hawaii 2003.

HCR 320 seeks to correct a simple error in draftsmanship -- the multi-parcel exchange deed to conclude the land exchange approved by Act 27 failed to deed over one of the parcels (Parcel 77 in Pupukea) because the attorneys did not include the property description for that parcel in the multi-parcel deed. Parcel 77 is part of Camp Pupukea, an important Boy Scout camp on Oahu.

Thank you for the opportunity to submit testimony in support of this resolution. As you may know, another resolution, HCR 185 also has been introduced to correct this same error. HCR 320 is the preferred vehicle because it specifically identifies (1) the location and area of the parcels of land involved in the exchange, (2) the value of the lands involved in the exchange, (3) the names of the appraisers, and (4) the date of appraisals. These details are required by Section 171-50(c), Hawaii Revised Statutes to be included in the resolution. In addition, HCR 320 was duly served upon the Office of Hawaiian Affairs and its trustees concurrently with its submission to the Legislature as further required by Section 171-50(c), Hawaii Revised Statutes.

I respectfully urge the committee to pass HCR 320. Thank you in advance for your support.

Very truly yours,

Ross Murakami

From:

Lori Lee [llee@99imperial.net]

Sent:

Thursday, March 18, 2010 3:54 PM

To:

Subject: Attachments: WLOtestimony
\*\*\*\*\*SPAM\*\*\*\*\* HCR 320 JW Testimony - HCR320.pdf

Importance:

High

Please accept the attached testimony from James W. Y. Wong in support of HCR 320 which is scheduled for hearing on Friday, 03/19/10, at 10:40 a.m., in Conference Room 325.

Thank you.

# **JAMES W. Y. WONG**

HONOLULU OFFICE

3737 Manoa Road Honolulu Hawaii 96822 Phone: (808) 946-2966 FAX: (808) 943-3140

March 18, 2010

ANCHORAGE OFFICE

411 West 4th Avenue, Ste 200 Anchorage, Alaska 99501 Phone: (907) 278-3263

FAX: (907) 222-4852

VIA EMAIL WLOtestimony@capitol.hawaii.gov

Honorable Representative Ken Ito, Chair (Via Facsimile: 586-8504)
Honorable Representative Sharon E. Har, Vice-Chair
Members of the House Committee on Water, Land, & Ocean Resources

RE: TESTIMONY FOR HCR320 – BEFORE THE HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES; FRIDAY, MARCH 19, 2010, @ 10:40 A.M.; STATE CAPITOL, CONFERENCE ROOM 325

Dear Honorable Chair Ken Ito, Vice-Chair Sharon Har, and Members of the Committee on Water, Land, & Ocean Resources:

In consideration of HCR 320 – SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE

House Concurrent Resolution (HCR) 320 affirms support by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii for the proposed correction of the land exchange between the State and the Aloha Council of the Boy Scouts of America made pursuant to Act 27, Session Laws of Hawaii 2003.

HCR 320 seeks to correct a simple error in draftsmanship -- the multi-parcel exchange deed to conclude the land exchange approved by Act 27 failed to deed over one of the parcels (Parcel 77 in Pupukea) because the attorneys did not include the property description for that parcel in the multi-parcel deed. Parcel 77 is part of Camp Pupukea, an important Boy Scout camp on Oahu.

Thank you for the opportunity to submit testimony in support of this resolution. As you may know, another resolution, HCR 185 also has been introduced to correct this same error. HCR 320 is the preferred vehicle because it specifically identifies (1) the location and area of the parcels of land involved in the exchange, (2) the value of the lands involved in the exchange, (3) the names of the appraisers, and (4) the date of appraisals. These details are required by Section 171-50(c), Hawaii Revised Statutes to be included in the resolution. In addition, HCR 320 was duly served upon the Office of Hawaiian Affairs and its trustees concurrently with its submission to the Legislature as further required by Section 171-50(c), Hawaii Revised Statutes.

I respectfully urge the committee to pass HCR 320. Thank you in advance for your support.

Aloha,

James W. Y. Wong

f:\data\ll\ jw folder\JW Testimony - HCR320

From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, March 18, 2010 2:09 PM

To:

WLOtestimony

Cc:

jsh@torkildson.com

Subject:

Testimony for HCR320 on 3/19/2010 10:40:00 AM

Attachments:

Testimony HCR 320.doc

Testimony for WLO 3/19/2010 10:40:00 AM HCR320

Conference room: 325

Testifier position: support Testifier will be present: No Submitted by: Jeffrey S. Harris

Organization: Individual

Address: 700 Bishop Street, 15th Floor Honolulu, Hawaii

Phone: 523-5393

E-mail: jsh@torkildson.com Submitted on: 3/18/2010

Email Testimony to be sent by supporters of the Boy Scouts. You can have them delete any section they want and add language about Camp Pupukea as needed.

Submit via webpage (preferred): <a href="http://www.capitol.hawaii.gov/emailtestimony/">http://www.capitol.hawaii.gov/emailtestimony/</a>

Or email: WLOtestimony@capitol.hawaii.gov

Subject Line: Testimony FOR HCR 320 before Water, Land & Ocean Resources Committee

Testimony of [insert name]

Before the House Committee on WATER, LAND, & OCEAN RESOURCES Friday, March 19, 2010 @ 10:40 AM State Capitol, Conference Room 325

In consideration of HCR 320 – SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE

House Concurrent Resolution (HCR) 320 affirms support by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii for the proposed correction of the land exchange between the State and the Aloha Council of the Boy Scouts of America made pursuant to Act 27, Session Laws of Hawaii 2003.

HCR 320 seeks to correct a simple error in draftsmanship -- the multi-parcel exchange deed to conclude the land exchange approved by Act 27 failed to deed over one of the parcels (Parcel 77 in Pupukea) because the attorneys did not include the property description for that parcel in the multi-parcel deed. Parcel 77 is part of Camp Pupukea, an important Boy Scout camp on Oahu.

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I respectfully urge the committee to <u>pass</u> HCR 320. Thank you in advance for your support.

From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, March 18, 2010 3:14 PM

To:

WLOtestimony

Cc:

Subject:

Arnold.Martines@centralpacificbank.com
Testimony for HCR320 on 3/19/2010 10:40:00 AM

Testimony for WLO 3/19/2010 10:40:00 AM HCR320

Conference room: 325

Testifier position: support Testifier will be present: No Submitted by: Arnold Martines Organization: Individual

Address: Phone:

E-mail: Arnold.Martines@centralpacificbank.com

Submitted on: 3/18/2010

From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, March 18, 2010 3:13 PM

To:

WLOtestimony

Cc:

chad.karasaki@aon.com

Subject:

Testimony for HCR320 on 3/19/2010 10:40:00 AM

Testimony for WLO 3/19/2010 10:40:00 AM HCR320

Conference room: 325

Testifier position: support Testifier will be present: No Submitted by: chad karasaki Organization: Individual

Address: Phone:

E-mail: chad.karasaki@aon.com

Submitted on: 3/18/2010

From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, March 18, 2010 3:17 PM

To: Cc: WLOtestimony gkorun@yahoo.com

Subject:

Testimony for HCR320 on 3/19/2010 10:40:00 AM

Testimony for WLO 3/19/2010 10:40:00 AM HCR320

Conference room: 325

Testifier position: support Testifier will be present: No

Submitted by: Gary

Organization: Individual

Address: 2205 Okao Street Honolulu, HI

Phone:

E-mail: gkorun@yahoo.com Submitted on: 3/18/2010

From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, March 18, 2010 3:16 PM

To:

WLOtestimony

Cc:

s.matt.hill@gmail.com

Subject:

Testimony for HCR320 on 3/19/2010 10:40:00 AM

Attachments:

Testimony HCR 320.doc

Testimony for WLO 3/19/2010 10:40:00 AM HCR320

Conference room: 325

Testifier position: support Testifier will be present: Yes Submitted by: Steven Matthew Hill

Organization: Aloha Council, Boy Scouts of America

Address: 42 Puiwa Road Honolulu HI, 96817

Phone: 808 388 2038

E-mail: <a href="mailto:s.matt.hill@gmail.com">s.matt.hill@gmail.com</a>

Submitted on: 3/18/2010

#### Testimony of Steven Matthew Hill

Before the House Committee on WATER, LAND, & OCEAN RESOURCES Friday, March 19, 2010 @ 10:40 AM State Capitol, Conference Room 325

In consideration of HCR 320 – SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE

House Concurrent Resolution (HCR) 320 affirms support by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii for the proposed correction of the land exchange between the State and the Aloha Council of the Boy Scouts of America made pursuant to Act 27, Session Laws of Hawaii 2003.

HCR 320 seeks to correct a simple error in draftsmanship -- the multi-parcel exchange deed to conclude the land exchange approved by Act 27 failed to deed over one of the parcels (Parcel 77 in Pupukea) because the attorneys did not include the property description for that parcel in the multi-parcel deed. Parcel 77 is part of Camp Pupukea, an important Boy Scout camp on Oahu.

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I respectfully urge the committee to <u>pass</u> HCR 320. Thank you in advance for your support.

From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, March 18, 2010 3:38 PM

To:

WLOtestimony

Cc: Subject: ftokioka@tradewindcap.com

Testimony for HCR320 on 3/19/2010 10:40:00 AM

Testimony for WLO 3/19/2010 10:40:00 AM HCR320

Conference room: 325

Testifier position: support Testifier will be present: No Submitted by: Franklin M. Tokioka

Organization: Individual

Address: 1022 Bethel Street. Honolulu, Hawaii

Phone: 808-564-8183

E-mail: ftokioka@tradewindcap.com

Submitted on: 3/18/2010

From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, March 18, 2010 3:30 PM

To:

WLOtestimony gciano@kpmg.com

Cc: Subject:

Testimony for HCR320 on 3/19/2010 10:40:00 AM

Testimony for WLO 3/19/2010 10:40:00 AM HCR320

Conference room: 325

Testifier position: support Testifier will be present: No Submitted by: Gordon Ciano Organization: Individual

Address: Phone:

E-mail: <a href="mailto:gciano@kpmg.com">gciano@kpmg.com</a>
Submitted on: 3/18/2010

From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, March 18, 2010 3:29 PM

To:

WLOtestimony

Cc:

gary.yoshioka@pepsi.com

Subject:

Testimony for HCR320 on 3/19/2010 10:40:00 AM

Testimony for WLO 3/19/2010 10:40:00 AM HCR320

Conference room: 325

Testifier position: support Testifier will be present: No Submitted by: Gary Yoshioka

Organization: Aloha Council Board

Address: Phone:

E-mail: gary.yoshioka@pepsi.com

Submitted on: 3/18/2010

From:

Sent:

mailinglist@capitol.hawaii.gov Thursday, March 18, 2010 3:25 PM

To:

WLOtestimony

Cc:

Subject:

michael.ching@ey.com Testimony for HCR320 on 3/19/2010 10:40:00 AM

Testimony for WLO 3/19/2010 10:40:00 AM HCR320

Conference room: 325

Testifier position: support Testifier will be present: No

Submitted by: Mike Ching

Organization: Ernst & amp; Young LLP

Address: Phone:

E-mail: michael.ching@ey.com

Submitted on: 3/18/2010

From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, March 18, 2010 4:17 PM

To:

WLOtestimony

Cc: Subject: swheelwright@hbs.edu Testimony for HCR320 on 3/19/2010 10:40:00 AM

Testimony for WLO 3/19/2010 10:40:00 AM HCR320

Conference room: 325

Testifier position: support Testifier will be present: No

Submitted by: Dr. Steven C. Wheelwright

Organization: BYU-Hawaii

Address: 55-220 Kulanui Street Laie, HI 96762

Phone: 808 675-3700

E-mail: <a href="mailto:swheelwright@hbs.edu">swheelwright@hbs.edu</a>
Submitted on: 3/18/2010

#### Comments:

This is a very important bill to allow the Aloha Council of BSA to continue to serve the needs of thousands of young men on Oahu. I fully support this bill.

From:

mailinglist@capitol.hawaii.gov

Sent:

Thursday, March 18, 2010 4:30 PM

To:

WLOtestimony

Cc: Subject: edhirata@hawaii.rr.com Testimony for HCR320 on 3/19/2010 10:40:00 AM

Testimony for WLO 3/19/2010 10:40:00 AM HCR320

Conference room: 325

Testifier position: support Testifier will be present: No Submitted by: Edward Y. Hirata

Organization: Aloha Council, Boy Scouts of America Address: 46-355 Ikiiki Street Kaneohe, HI 96744

Phone: 808-247-3138

E-mail: edhirata@hawaii.rr.com

Submitted on: 3/18/2010